

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

LUIS A. ACEVEDO GARCIA, ET ALS.

Plaintiffs

vs.

**HON. ROBERTO VERA-MONROIG,
ET ALS.**

Defendants

*
*
*
*
*
*
*
*
*
*

Civil No.: 97-2639(JP)

SECOND MOTION REITERATING THAT
DEFENDANT BE FOUND IN CONTEMPT

TO THE HONORABLE COURT:

COMES NOW plaintiffs, through the undersigned attorney, who very respectfully states and prays as follows:

In reference to defendants allegations that they don't have sufficient loan capacity we made an inquiry about this allegation and to our surprise we were informed that the reason for this was that the Municipality of Adjuntas obtained a loan on March 12, 2008 in the amount of \$4,322,000.00.

Without going into the merits of whatever project the Mayor had in mind for those \$4,322,000.00 undoubtedly those projects had priority over the payment of this Court's Judgment. This Honorable Court should take notice that the Municipality of Adjuntas was ordered on February 28, 2008 to file a Financial Plan with the Court on or before March 15, 2008. The Municipality filed their plan on March 18, 2008 which means that intentionally,

before filing the Financial Plan they borrowed \$4,322,000.00 for other purposes, limiting as a consequence, their economic ability to pay this Judgment.

In accordance to Article 7.03 (21 LPRA 4304) the priority established by law for the payment and or obligation of Municipalities are:

- (a) Interest, amortization and withdrawal of Municipalities public debt;
- (b) other expenses and statutory obligations;
- (c) the payment of judgment of the Courts of Justice;

It is also important to notice that the Mayor knows since November 15, 2006 that he has to pay this Judgment and intentionally did not inform the Court that he was going to borrow from the Government Development Bank \$4,322,000.00. They informed this Honorable Court that on October 30, 2007 they had met with an officer of the Government Development Bank and that there, they were informed that they did not have sufficient loan capacity. It is of common knowledge that all the paperwork that has to be done before obtaining a loan from the Government Development Bank in the amount of \$4,322,000.00 will take various months. In our experience as legal adviser to other Municipalities it usually takes over 6 months for the Government Development Bank to approve a loan. Reasons for which we strongly believe that the Mayor with full knowledge that he had to pay this Judgment choose to borrow money for other purposes. As stated before, independently of the merits of whatever project the Mayor intended or intends to develop, a Judgment has priority and the Mayor made a commitment with this Honorable Court when he signed the Judgment.

We reiterated our request that the Mayor of Adjuntas should be found in contempt of Court and severely sanctioned.

WHEREFORE, we respectfully requested that this Motion BE GRANTED.

I hereby certify that on this date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the attorney in the above entitled case.

RESPECTFULLY SUBMITTED.

In Aguadilla, Puerto Rico, this 19th day of September, 2008.

s/ Israel Roldán González

ISRAEL ROLDAN GONZALEZ

USDC-P.R. 115602

Attorney for Plaintiffs

44 Progreso Street

Aguadilla, Puerto Rico 00603

Tel. (787) 891-1359 Fax.(787) 891-5000

roldangonzalezpr@yahoo.com